

Springerville Town Council
Minutes
November 18, 2009
6:00 p.m.

Council: Mary Nedrow Mayor, Eric Baca Vice Mayor, Bill Lucas and Ron Thebeau

Excused; Phelps Wilkins

Staff: Steve West Town Manager, Val Cordova Town Clerk, Eduardo Coronado Legal Counsel, Larisa Bogardus Community Dev., Tom Malone Public Works Dir.

Public: Dan Muth, Kevin Burk, Susie Silva, Becki Christensen Chamber Director.

1. The meeting was called to order by Mayor Nedrow at 6:00 p.m.
2. Councilman Thebeau led the Pledge of Allegiance.
3. Public Participation: None
4. Manager, Council, and Chamber Reports:

Mayor Nedrow presented Steve West with a Town of Springerville Service Pin for 20 years of service. She thanked him on behalf of the Council and the Town of Springerville for his dedication and looks forward to many more years of service as the Town Manager.

Chamber Director Becki Christensen presented the photo loop of pictures that will be used at trade shows, the Chamber website to show case the area. They'll be adding information to the website to add an economic development link on the advantages of doing business here. She would like to add fees such as impact fees, business license fees etc. They want to make the website more commercial information friendly. She is working on gathering information for the purpose of the Chamber and value to the Town. She reported the Christmas Light Parade will take place on December 5th.

Town Manager West reported on the oral interviews for the Chiefs position advising that the position had been offered to Mike Nuttall. Two council members along with 3 Chiefs of Police sat on the board and will be making a recommendation to the council.

He reminded everyone that council packets for the Mayor's seat and two council seats are available. Mr. West advised the council the Hospital Board would like to get together with both councils for future thought, to get an idea of what the hospital is doing and how we can help each other. The meeting will be held on December 3rd at 6:00 p.m. at the hospital conference room and they will take the councils on a tour of the facility and serve dinner.

5. Public Hearing:

Bill Lucas/Eric Baca motion to go into a public hearing to take comments from the public on the Alternative Expenditure Limitation-Home Rule Option. The motion carried.

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| Vote: | Ayes: | Mary Nedrow |
| | | Eric Baca |
| | | Bill Lucas |
| | | Ron Thebeau |

Discussion:

Councilman Thebeau said he wanted to know more about this.

Town Manager West explained that the expenditure is set by Statute. Home Rule allows the Town to go over the State imposed expenditure limitation. He further stated that we already know what the Town budget is and know we'll be fairly close to that amount. If the State says we can't go over a set amount and our budget is higher it won't allow us to expend it. Home Rule allows

us to expend what our budget is.

Councilman Thebeau stated that he felt that they should consider not adopting the expenditure limitation in the future because of the fact that we are growing with uncontrolled budgets and inflated in hopes that we get more and less people. He said was voicing his opinion as a councilman, and it may not be a bad thing not to have this in these times and said he thought they need to look at home rule closely.

Town Manager West reiterated that any expenditure past the State imposed limit can't be spent until the next budget year. This is a continuation of Home Rule that has been in place for years.

Councilman Thebeau stated for the record that he objected to Home Rule and wanted to go on record as saying he wants the council to look into this. He asked if they need to go over the budget, do more budget crunching and do we need to hire more people?

Councilman Baca asked if there was amount that we can go over the budget.

Town Manager West explained that there has to be a balanced budget and we can't go over.

Suzie Silva commented this was a great deal and is all in favor of Home Rule. By doing this the Town is taking control of our finances instead of allowing the State to dictate what well can do. The State doesn't know what the Town business and what we need. The council is elected to determine what the Town needs.

Bill Lucas/Eric Baca motion to adjourn the public hearing at 6:25 p.m.

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| Vote: | Ayes: | Mary Nedrow |
| | | Eric Baca |
| | | Bill Lucas |
| | | Ron Thebeau |

6. Consent Items:

- a. Consider approval of the minutes from the town council meeting held on November 4, 2009.
- b. Consider approval and ratification of accounts payable for the month of October 2009.

Bill Lucas/Ron Thebeau motion to approve consent items 6a and 6b.

Discussion: Councilman Thebeau had questions regarding two vendors that were issued checks. Town Manager West explained one of them was for a pass through grant through FAA. Councilman Thebeau asked if any of it went to attach the rental portion to the airport. He said he would like to discuss it further with Mr. West tomorrow. His next question was a check issued to Liberty Fence.

Mr. West explained that when the Town took down the surrounding fence around the road to no where to allow access to the developer off of our main road because they can't come off of our runways. We changed the configuration to allow a gate for access through to the rental property and this paid for the Town to put the gate and fence back.

Councilman Thebeau stated this give access to the rental property which is in direct conflict with the lease they put in place and wants this discussion and part of the record here.

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| Vote: | Ayes: | Mary Nedrow |
| | | Eric Baca |
| | | Bill Lucas |
| | Nays: | Ron Thebeau |

7. No Old Business

8. Resolution 2009-R014: Discussion and action regarding adopting Resolution 2009-R014 regarding application to the Arizona Department of commerce for an Energy Efficiency Block Grant.

Ron Thebeau/Eric Baca motion to adopt Resolution 2009-R014 endorsing an application the Arizona Department of Commerce for an Energy Efficiency and Conservation grant.

Discussion: Town Manager West explained we're applying for a no match grant for energy efficiency projects. We are looking at the possibility of insulating this building and for upgrading the pumps and motor and bringing it up to the surface.

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| Vote: | Ayes: | Mary Nedrow |
| | | Eric Baca |
| | | Bill Lucas |
| | | Ron Thebeau |

9. Resolution 2009-R015: Discussion and action regarding adopting Resolution 209-R015 regarding application for the Arizona Department of Transportation for a Planning Assistance for Rural Areas grant to develop a multimodal Capital Improvements Plan.

Bill Lucas/Eric Baca motion to adopt Resolution 2009-R015 endorsing an application to the Arizona Dept of Transportation for a Planning Assistance to Rural Areas grant to develop a capital improvements plan and pavement management plan.

Discussion: Town Manager West explained over the decades roads have been constructed and paved and we now found that we have no easements on those roads. They still belong to the resident. An inventory like this would put the easements back into place so we know which ones we need to talk to the people about them and which ones do we already have. .

Mr. West explained we have a scope, listing the things we are going to do. We'll get help in putting a dollar amount to this, i.e. what will this cost to take care of and that is the amount that will be awarded back to us.

Ms. Bogardus reported that in have talking to consultants, the cost for this project is \$60,000 and there is up to \$200,000 available and they encourage larger regional projects. We're coordinating with Apache County and Eagar to request more funds to do a regional transportation study that would tie in with us and make sure our communities flow together.

Councilman Thebeau said he was opposed to this saying that the State is in dire straits borrowing \$700 million dollars according to the paper and he doesn't see where it benefits anybody to spend another \$60,000 or \$200,000 of taxpayer's money from a bankrupt State and he for one would rather give it back to the state and not even apply for it.

Dan Muth addressed the Councilor Thebeau's concern explaining that the benefit would be that Springerville currently has multiple streets, thoroughfare's, major arterials that don't belong to the Town in which the Town has put infrastructure, paved roads and used for a number of years. One example is Maricopa. There isn't one easement from Highway 180 to Coconino. He stated this is a good use of grant money that would otherwise go to some other community. The money is going to be spent so why not go after it and use it to our benefit.

Councilman Thebeau reiterated he's opposed to this as frivolous.

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| Vote: | Ayes: | Mary Nedrow |
| | | Eric Baca |
| | | Bill Lucas |
| | Nays: | Ron Thebeau |

10. Resolution 2009-R016: Discussion and action regarding adoption of Resolution 2009-R016 declaring as a public record certain documents filed with the Town Clerk and entitled "Updates to Title 16.32 Minor Land Division" by reference.

Eric Baca/Bill Lucas to adopt Resolution 2009-R016 declaring the document entitled "Updates to Title 16.32 Minor Land Division," a public record.

Discussion: Councilman Lucas said he'd had a discussion with Ms. Bogardus on verbiage regarding legal access that she addressed for him.

Council Thebeau asked if Maricopa Association of Governments uniform standard.

Town Manager West explained that the State uses MAG standard. It's standard that applied for these types of projects across the state.

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| Vote: | Ayes: | Mary Nedrow |
| | | Eric Baca |
| | | Bill Lucas |
| | | Ron Thebeau |

11. Ordinance 2009-004: Discussion and 1st reading of Ordinance 2990-004 "Minor Land Divisions:

1st reading by Mayor Nedrow "An Ordinance of the Town of springerville, Arizona, adopting the public document, entitled "Amendments to Title 16.32 Minor Land Divisions" by reference; providing for severability; and establishing an effective date:

Discussion: None

12. Resolution 2009-R017: Discussion and action regarding adoption of Resolution 2009-R017 declaring as a public record certain documents filed with the Town Clerk and entitled "Amendments to Title 17.04 Interpretation and Application; and Title 17.28 General Provisions."

Eric Baca/Mary Nedrow "Amendments to Title 17.04 Interpretation and Application; and Title 17.28 General Provisions" a public record.

Discussion: Councilman Lucas commented that he has questions regarding prohibiting solar panels and other apparatus in front yards of commercial or industrial areas and wondered if it could be allowed with a conditional use permit since we allow them in residential areas. He wanted to give planning and zoning an opportunity to address this on a case by case basis. He said he had a concern with wind farms. It doesn't appear that there are any height restrictions and would like to move this back to planning and zoning to consider the prohibition removed to place restrictions on height.

Ms. Bogardus said they didn't specifically discuss height restrictions in residential but she did do some research and other communities don't set height restrictions on turbines but have them on similar things and felt it was reasonable to cluster these things and insert them. There was discussion on solar panels in the front yard in commercial and industrial not to allow it.

Councilman Thebeau asked why we would suddenly prohibit this from being done after we allowed someone to do it with a variance. He clarified that under g. #4. Solar "farms" Generating power that serves more than one residence or business is sold commercially shall be a conditional use and prohibited in residential zones. He agreed that this needed to be sent back to planning and zoning.

Ms. Bogardus explained that our code did not provide for solar as a conditional use and these changes were in response to the glitch they came across with the variance that was processed. Planning and Zoning is saying they don't want someone to create a total commercial use solar farm in a residential neighborhood but they can in a planned area development. This language was to insure that it didn't become a business or industrial use but they can clarify this more.

Mr. Muth clarified that a conditional use permit in residential areas would require for putting solar panels in the front yard but someone would just need to apply if they were going to put solar panels on the side or back yards.

Town Manager West clarified that this ordinance needs to be sent back for clarification.

Councilman Thebeau asked that planning and zoning also look at #5 under the requirements for turbines.

Mr. Muth said the commission deliberated at length on the issue of height restrictions and came to the consensus that if they left the ordinance general enough by saying that the free fall of the tower has to be contained within the property without impairing any easement or crossing any property lines, that would be the height restrictions. The reason for the residential where the lots are 10,000 sq. feet or smaller it's impractical to have a wind turbine because it would fall and destroy the house or fall into the neighbor's property. Land area has to be considered which is why they recommended putting in the restrictions on which zones could and couldn't have it. He said the planning and zoning would be glad to revisit it.

Mayor Nedrow called for a Vote: The motion died. Mayor Nedrow directed staff to take this back to the planning and zoning at the consensus of the council

Ms. Bogardus asked for clarified what the council wants taken back to planning and zoning.

1. Reconsider the prohibition of solar installations in the front yards of commercial or industrial and potentially allowing them as a conditional use.
2. Rewording g-4 and b-5 regarding the prohibition in residential areas
3. Consider setting height restrictions on turbine installation in residential areas.

Councilman Baca said he thought planning and zoning did a great job except for the wording on g-4. He thanked Dan Muth for the work planning and zoning does.

13. Ordinance 2009-005: Discussion and first reading of Ordinance adopting the public record entitled "Amendments to Title 17.04 Interpretation and Application; and Title 17.28 General Provisions" by reference.
This ordinance is part of the resolution that was sent back to planning and zoning to review.

14. Adjournment:

Bill Lucas/Ron Thebeau motion to adjourn the meeting 7:54p.m.

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| Vote: | Ayes: | Mary Nedrow |
| | | Eric Baca |
| | | Bill Lucas |
| | | Ron Thebeau |

Mary Nedrow, Mayor

ATTEST:

Town Clerk

I hereby certify that the foregoing is a true and correct copy of the minutes of the Springerville Town Council in regular session on Wednesday, November 18, 2009. I further certify that the meeting was duly called and a quorum was present.

Dated this 23rd, day of November, 2009

Town Clerk